

Eastern Upper Peninsula Citizen Advisory Council

December 8, 2010

6:30-8:30 p.m. (EST)

Luce Mackinac Alger Schoolcraft (LMAS) District Health Department

14150 Hamilton Lake Road, Newberry, Michigan

Meeting Minutes

EUP-CAC Members Present

William Becks
Tom Buckingham
Al Colegrove
Bob DeVillez
Ginny Giddings
Fred Gregg
Mike Lawless
Glenn Moll
Richard Pershinske
Chad Radka
Steve Rodock
Jim Rutledge
Tom Schweitzer

EUP-CAC Members Absent

Dale DuFour
Jim Duke
Lester Livermore
Doug Scheuneman
Steve Walker

Department of Natural Resources and Environment (DNRE) Staff Liaisons

Stacy Welling, Upper Peninsula (UP) Regional Director, Marquette
Debbie Munson Badini, Communications Representative, Marquette
Brian Brady, Air Quality Division, Gwinn
John Clark, Environmental Resource Management Division (ERMD), Gwinn
Christina Hammill, Administration, Newberry
Joe Maki, Office of Geological Survey, Gwinn
Ann Mattson, Administration, Newberry
Dennis Nezich, Forest Management Division (FMD), Marquette
Jay Parent, Water Resource Division (WRD), Gwinn
Steve Scott, Fisheries Division, Newberry
Kristie Sitar, Wildlife Division, Newberry
Acting Sgt. Gerald Thayer, Law Enforcement Division (LED), Sault Ste. Marie
Penny Bacon, Executive Division, Marquette

Call to Order:

The Eastern Upper Peninsula (EUP) Citizen Advisory Council (CAC) meeting was called to order at 6:37 p.m. by **Chairman Dick Pershinske**.

Adoption of Agenda:

Steve Rodock made a motion to adopt the agenda. **Tom Buckingham** supported the motion.
Ayes: All. Nays: None. Motion carried.

Approval of Previous Meeting Minutes:

Bill Becks made a motion to approve the October 21, 2010 meeting minutes as amended. **Al Colegrove** supported the motion. Ayes: All. Nays: None. Motion carried.

Public Comment: None at this time.

Division Staff Reports were provided to the Council members prior to the meeting. The following staff had updates to their written reports:

Stacy Welling, UP Regional Director said Governor-elect Rick Snyder has announced he will split the DNRE into two separate agencies, the Department of Natural Resources and the Department of Environmental Quality. He is also creating a group executive for Quality of Life, which will include the departments of Environmental Quality, Natural Resources, and Agriculture and Rural Development.

Stacy said at this point they are unsure if the Councils will only include resource or expand to include environmental and agriculture. She added the Lower Peninsula CAC's were created and a kick-off meeting was scheduled for Saturday, December 11 but has been postponed. The WUP-CAC met in November and discussed partnerships, volunteers, future agenda items and had a roundtable discussion on deer.

Debbie Munson Badini, Communications Representative said all of the "Ask the DNRE" programs are finished for the year but can be viewed on the Public TV13 web site.

Dennis Nezich, Forest Management Division said Pat Hallfrish, the unit manager at Sault Ste. Marie is retiring. The EUP District Forest Supervisor position has been advertised. Dennis said at the October meeting there was a question on how many timber sales were held by Canadian contractors. In the Sault Ste. Marie Forest Management Unit, 6 of the 25 open contracts are held by St. Mary's Paper Company but those contracts are harvested by U.S. producers. On Drummond Island, of the 7 open timber sale contracts, 3 of those are held by St. Mary's Paper Company but are harvested by U.S. producers.

Brian Brady, Air Quality Division said he is retiring on December 29. He said the budget for AQD is in dire straits. They haven't had an inflation adjustment in eight years. If they don't get a fee package by September 1, they won't have the money to staff or operate the program. The UP has 3 percent of the population and they generate 18 percent of the air emission permit fees from UP sources. There are three AQD employees in the UP and at this time Brian's position will not be filled. Hopefully they will receive adequate funding with a new fee package that will allow positions to be filled and add additional staff.

Kristie Sitar, Wildlife Division said the Newberry Forest Management Unit held their open house and their compartment review is scheduled for December 17.

Acting **Sgt. Gerald Thayer**, Law Enforcement Division said the Lieutenants and Sergeants promotions should be announced very soon. Some of the positions have been vacant for over a year with acting Lieutenants and Sergeants in those positions. The EUP has two vacant Sergeant positions but only one Sergeant will be replaced due to budget constraints. **Sgt. Thayer** reported on several recent investigations by Conservation Officer that resulted in enforcement action. **Sgt. Thayer** added from LED's perspective, the deer season was similar to last year. Deer numbers were down some and deer checks revealed the same.

Jay Parent, Water Resource Division said Cedarville Harbor reapplied for a dredging permit.

John Clark, Environmental Resource Management Division said the state lab in Houghton closed with seven people losing their jobs.

Joe Maki said the Office of Geological Survey (OGS) regulates mining.

Ann Mattson, Administrative Division said she is retiring on December 29. Ann introduced Christina Hammill who will be replacing Ann as the CAC representative.

Steve Scott, Fisheries Division said he had nothing new to add to his written report.

Old Business:

Update of the Non-Industrial Private Forestry (NIPF) Coalition: **Dennis Nezich** said the NIPF met on December 2. With the reorganization and the early retirements, the meeting focused on what is going to happen to the private lands program in the DNR. There was a lot of discussion but no solutions at this point. They are planning a conference for new Legislators in March. The conference is aimed at getting the new Legislators oriented to the importance of forestry resources in the State of Michigan. There is also some discussion on trying to get the Governor's office involved in the session.

Update on the Regional Deer Advisory Teams (RDAT) and Antler Point Restriction (APR) Workgroup: **Stacy Welling** provided a handout explaining the deer management committees. Stacy said each CAC has a deer subcommittee that focuses on regional issues.

The NRC established the APR workgroup to evaluate the process for quality deer management rules. The APR workgroup has met twice and will meet again on Thursday, December 9 and will provide their recommendations to the NRC in May 2011. There are UP representatives on the APR workgroup. It's likely this workgroup will be disbanded.

The RDAT's are advisory groups to Wildlife Division and will be on-going. Three RDAT's will be established in each region; UP, NLP, and SLP. Each team will be comprised of 15 individuals and will meet twice a year. The deadline to apply is December 14. Stacy said the EUP-CAC has chosen Tom Buckingham as their representative and the WUP-CAC will also have a representative. Stacy added these are three different groups with three different charges.

Update on the Guiding Principles and Strategies (GPS) for Wildlife Division:

Kristie Sitar said the Director signed the plan in November. The plan was also approved unanimously and supported by the NRC. Kristie said right now they are planning on implementing the beginning stages of the organizational structure. In January, they expect to develop some of the specific tasks and actions in the plan. The plan will be phased-in.

New Business:

Commercial Bear Baiting Presentation:

Stacy Welling provided a handout on the Administrative Rules process, which is not a DNRE process but a statewide process for any administrative rule change. There are 20 steps in the administrative rules process. Stacy said at the October 21 meeting, Joe Caswell asked about a meeting that was held on October 14 in Newberry by the DNRE. In regards to the Commercial Forest Act, they are on step 5 of the process: works with stakeholders and Regulatory Affairs Officer and prepares and submits draft rules. Stakeholders were invited to the October 14

meeting to develop a draft. This was step 5 of a 20 step process. Stacy said there will be more public meetings and opportunities to provide input.

Stacy said over the past two years there has been a significant amount of questions and comments on the Commercial Forest act and guiding. Stacy provided a handout on frequently asked questions that was created in direct response to questions received from the public. Stacy said in July there were three public meetings to answer some of those questions. In addition Wildlife Division is looking at some type of permit and fee for guides. She said one reason is to create a network to provide information and how to contact the guides.

Sgt. Gerald Thayer said each licensed hunter is allowed three bear baits. A licensed hunter can maintain bear baits for other licensed hunters but not more than 12 bait stations. That doesn't mean you're a commercial guide. **Chairman Pershinske** said the question was about equity. A commercial guide can establish 12 bait stations and hire a helper to establish 12 more bait stations. **Sgt. Thayer** said a commercial guide can hire an employee and have additional 12 baits. The law is 3 baits per licensed hunter and any individual can maintain 12 bear baits whether they are doing it as a business or not. **Chairman Pershinske** said it's a law so any changes would have to be made through the Legislative process. **Stacy Welling** said it's a Wildlife Conservation Order so the NRC could change it. **Chairman Pershinske** clarified the Council could make a recommendation to the NRC. No action was taken.

Commercial Forest Act Overview: **Dennis Nezich** provided an overview on the commercial forest act. Some of the information provided included: the Commercial Forest Act is a tax program. The law was enacted in 1925 and was last amended in 2008. It provides significant property tax reduction to qualifying private landowners. It's designed to encourage long-term timber production and must be managed with an approved forest management plan. Commercial use is restricted to timber management. The land must be open to the public for hunting, fishing, and trapping with public access available to at least foot traffic. The Commercial Forest Act is not a forest practices act – it's a Tax Act.

Joe Caswell said on commercial forest lands you're not allowed to leave traps overnight or drive a vehicle on those lands. **Stacy Welling** said this is not a Department law and the Department is on step 5 of a 20 step administrative rule process to get changes made. Stacy said the public needs be involved in that process, we as an agency can not change it. There will be several different opportunities in the process for input. Discussion followed that not all roads are close to vehicle traffic on commercial forest lands, it's at the discretion of the landowner.

Chairman Pershinske said if the Council wants to address this issue it can be added to the next meeting agenda. **Stacy Welling** said if we can't answer all of your questions, some of the Lansing staff can be invited to the meeting to provide more information.

Bob Devillez said commercial forest can not be posted no trespassing but if there is a road that is open you can drive on that road. The landowner has the option to gate those roads and only allow foot access.

Steve Scott said in the 2010 Hunting and Trapping guide on page 17...other than foot access for the acts of hunting or fishing activities such as (but not limited to) camping, leaving bait piles, leaving a trap overnight, using motorized vehicles, and damaging or injuring vegetation requires landowner permission. Steve said it's his understanding you can drive on commercial forest land as long as it's not gated, bermed, etc. This may be creating some confusion by what is

printed in the guide and what is being presented. **Debbie Munson Badini** said she works in the division that prints the guides and will suggest clarification for next year. **Chairman Pershinske** would like to know the response. Is what we presume to be correct, correct?

Bob DeVillez said he administered the act for 25 years prior to the rewrite of the act of 1994. Bob said road issues and removing traps and bait every night could be addressed in the new rules. They're on step 5 in the process, now is the time to address these issues and the public should be involved and attending these sessions. **Chairman Pershinske** suggested creating a subcommittee to make recommendations to the Council on the administrative rule changes. Bob DeVillez, Glenn Moll, Ginny Giddings, Chad Radka and Steve Rodock will serve on the subcommittee and report back to the Council.

EUP-CAC Membership: **Stacy Welling** said according to the bylaws, membership is on two and four year rotating terms. Some Council members have reapplied for membership but for some members this is their last meeting. The selection committee has met but everything is on hold for now.

Stacy Welling presented the Council members that served a two year term with a certificate of appreciation. Bill Becks, Al Colegrove, Jim Duke, Fred Gregg, Mike Lawless, Glenn Moll, Dick Pershinske, Jim Rutledge, and Tom Schweitzer. Stacy thanked the Council members for their diligent service, leadership and contributions to the Council.

Chairman Pershinske said he had the honor of being invited to the December 11 kick off meeting of the Lower Peninsula CAC's. One of the messages he planned to share to make the Council's work quickly, is the level of trust that has to be established between the council members and staff. He said the level of trust in the EUP-CAC was quickly established and felt it was contributed by staff attending the meetings, being available, and willing to tackle issues. **Chairman Pershinske** thanked the DNRE staff for their dedication and their involvement.

In honor of their retirements, Chairman Pershinske and Stacy Welling presented Ann Mattson, Brian Brady, Chris Morris and Gary Ellenwood with a certificate of appreciation for their support and dedication to the EUP-CAC.

Youth Hunt: **Tom Buckingham** said they received some information that some people would like to see the youth hunt go away. The deer subcommittee met today and with overwhelming consensus supported the current youth hunt. **Tom Buckingham** said the subcommittee's recommendation to the Council is to support the youth hunt as it presently exists. **Mike Lawless** supported the motion. **Chairman Pershinske** clarified the motion on the floor is to recognize the youth hunt as it currently exists and forward the recommendation to the NRC members. Ayes: All. Nays: None. Absent: **Dale DuFour, Jim Duke, Lester Livermore, Doug Scheuneman, and Steve Walker.** Motion carried.

Public Comment:

Steven King said the Hiawatha Sportsmen's Club is compromised of over 35,000 acres and very few deer were taken this year. **Ike Darling** said all of the newspaper articles reported there would be a wonderful hunt in the UP because of the mild winter last year. He said the winter didn't control the deer herd the predators did. **Debbie Munson Badini** said a lot of the news articles were referencing the WUP or more deer would be sighted but they would be fawns or smaller bucks. It was noted at the February CAC meeting Terry Minzey will provide information from the deer camp survey.

John MacFarland said today he saw five wolves but no deer in three hours. He feels the State of Michigan has let people down by not making a written statement. **Chairman Pershinske** said this Council has made a written recommendation to the Director. He added the Council is concerned about this issue but it's in the hands of the Federal government. **Mr. MacFarland** said this is one committee we can voice our opinion. He added there isn't much press in the State and this is a major issue.

Stacy Welling said last January the Chief of Wildlife Division attended the CAC meeting to provide information and at the following meeting Director Rebecca Humphries attended and provided updates. Since that time the Department has continued to provide updates to the Council on the wolf delisting process. We also asked the Council members to individually provide their input. The Department issued a press release the day the petition was filed providing our support for the Great Lakes delisting process. The Director has met with the head of the U.S. Fish and Wildlife Service numerous times.

Tom Buckingham said at the Newberry legislative day, an aide for Senator Levin said she had received only one phone call on the wolf issue. Tom introduced himself as a Council member and said there is documentation from the Council requesting the wolf be delisted. Tom said Russ Mason suggested starting at the Federal level. **Glenn Moll** suggested an update at the next meeting. **Chairman Pershinske** said wolves have been the number one focus for the Council and he has requested on a number of occasions that as stakeholders we must bring this issue to our membership to put pressure on our elected officials. **Ginny Giddings** said there has been two rough winters for deer and approximately 70,000 deer starve to death each winter in the UP, wolves kill seven percent, about the same number that get hit by vehicles. For every bad winter it takes four years for the deer herd to recover. Ginny added foresters are concerned by deer browse, there needs to be a balance.

Council Members Closing Comments:

Tom Schweitzer said he is on the planning commission for Curtis. They are in the process of updating their zoning ordinances and reviewing outdoor wood burners. Tom would like to hear people's comments and input on outdoor wood burners.

Chairman Pershinske extended his sincere appreciation to the Council members who are leaving for their individual efforts and their valuable input.

Next meeting: Is tentatively scheduled for Thursday, February 17, 2011.

Meeting adjourned at 8:40p.m.